

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION


MARY ANN BAUER)	
)	
v.)	NO. 3:18-1293
)	Richardson/Holmes
MICHAEL S. FITZHUGH, et al)	

ORDER

Pending before the Court is Plaintiff's motion to amend the complaint (Docket No. 23). Although the motion does not certify that Plaintiff conferred with opposing counsel prior to filing the motion or state whether the motion is opposed, as required by Local Rule 16.01, the time for responding to the motion under Local Rule 7.01 has expired and no response in opposition was filed. The motion is therefore deemed unopposed. *See* Local Rule 7.01(a)(3). Accordingly, Plaintiff's motion to amend (Docket No. 23) is GRANTED. The Clerk is directed to separately file the Amended Complaint (found at Docket No. 23-1). Once filed, the Amended Complaint is the legally operative complaint, *Drake v. City of Detroit*, 266 F.App'x 444, 448 (6th Cir. 2008), thus rendering moot Defendants' pending motion to dismiss (Docket No. 15). The Clerk is therefore directed to terminate that motion without prejudice for Defendants to refile any motion to dismiss as to the Amended Complaint. Defendants shall answer or otherwise respond to the Amended Complaint as required by Fed. R. Civ. P. 15(a)(3).

On June 14, 2019, the parties filed a joint case resolution status report (Docket No. 24), which reflects their intention to meet on June 17, 2019 to discuss settlement. By no later than **June 28, 2019**, the parties must file a supplemental joint case resolution status report confirming their first good faith, substantive attempt to resolve this case.

It is SO ORDERED.


BARBARA D. HOLMES
United States Magistrate Judge